

I, Mel R. Begay, Sponsor of proposed resolution hereby withdraw my sponsorship of the proposed resolution, tracking no. 0027-15. I understand that if there are co-sponsors to the resolution, they may continue as sponsor of the proposed resolution.

Signature

4/22/15

Date

LEGISLATIVE SUMMARY SHEET
Tracking No. 0027-15

DATE: January 26, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; OPPOSING THE 114TH U.S. HOUSE OF REPRESENTATIVE'S BILL H.R.360 SECTION 302 WHICH AMENDS THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996 (NAHASDA) TO ALLOW U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO TARGET NAVAJO NATION HOUSING ALLOCATED FUNDS FOR RECAPTURE

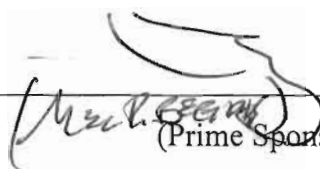

PURPOSE: This resolution if approved, will allow the Navajo Nation Council to make a statement of policy in opposition to proposed amendments to the NAHASDA By H.R. 360 which amends section 302 by adding language in proposed section 303 that would allow recapture of NHA allocated funds.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23RD NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY

 (Prime Sponsor) 

TRACKING NO. 0027-15

AN ACTION

RELATING TO AN EMERGENCY; OPPOSING THE 114TH U.S. HOUSE OF REPRESENTATIVE'S BILL H.R.360 SECTION 302 WHICH AMENDS THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996 (NAHASDA) TO ALLOW U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO TARGET NAVAJO NATION HOUSING ALLOCATED FUNDS FOR RECAPTURE

WHEREAS:

I. FINDINGS

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102 (A).
- B. All powers not delegated are reserved to the Navajo Nation Council. 2. N.N.C. §102 (B).
- C. The Navajo Nation Council shall supervise all powers delegated. 2 N.N.C. §102 (C).
- D. Navajo Nation Council has the authority to create laws, resolutions, and to make statements of policy pursuant to 2 N.N.C. §164 (A).
- E. Statements of policy must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council. 2 N.N.C. § 164 (A).

- 1 F. Statements of policy are written statements submitted to federal, state or local
2 governments by a Navajo Nation official stating the official position of the
3 Navajo Nation on proposed legislation or other action by that government. 2
4 N.N.C. § 100(W).
- 5 G. Navajo Nation Council has the authority to create laws, resolutions, and to
6 make statements of policy that are matters constituting an emergency that
7 directly threatens the sovereignty of the Navajo Nation pursuant to 2.
8 N.N.C§164 (A)(16)
- 9 H. The Navajo Nation hereby finds that the imminent reduction and loss of Indian
10 Housing Block Grant (IHBG) funding proposed by H.R. 360 amendments to
11 the Native American Housing Assistance and Self-Determination Act of 1996
12 (NAHASDA) is a matter constituting an emergency pursuant to 2 N.N.C. §
13 164(A)(16).
- 14 I. On January 14, 2015, H.R. 360, a bill that reauthorizes NAHASDA was
15 introduced in the U.S. House of Representatives that included amendments to
16 section 302 which aims to limit the amount of annual housing appropriations
17 for certain NAHASDA recipients (See Exhibit A).
- 18 J. The proposed amendments in H.R. 360 are a direct threat to the Navajo
19 Nation's sovereignty as the new formulas for financial calculations will limit
20 funding to the Navajo Housing Authority to address the housing needs of the
21 Nation. (See Exhibit B).
- 22 K. The Navajo Housing Authority Board of Commissioners have passed
23 resolution NHA-4470-2015 that goes in detail of how exactly the proposed
24 amendments of H.R. 360 will affect them and the sovereignty of the Navajo
25 Nation. (See Exhibit B).
- 26 L. Reauthorization of NAHASDA is greatly needed, however, H.R. 360 section
27 320 amendments are of great concern to the Navajo Nation and its Tribally-
28 designated Housing Entity, the NHA. (See Exhibit B).
- 29
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1 M. If the proposed language in H.R. 360 section 302 which adds 303 were to
2 become law, the consequences to the Navajo Nation's housing needs would be
3 catastrophic and devastating. (See Exhibit B).

4 N. Based on the foregoing, it is in the best interest of the Navajo Nation to oppose
5 H.R. 360 amendments to section 302 which adds section 303.
6

7 **II. NOW, THEREFORE BE IT RESOLVED:**

8 A. The Navajo Nation hereby expresses its support for H.R. 360 NAHASDA
9 reauthorization in general, but strongly opposes the proposed amendments to
10 section 302 introduced on January 14, 2015.

11 B. The Navajo Nation believes section 302 should be stricken in its entirety

12 C. The Navajo Nation hereby expresses its opposition in the strongest terms to
13 any proposed language that would reduce IHBG fund allocations for tribes that
14 as of January 1, 2015 or thereafter have IHBG balances that exceed three
15 times their allocation because the NHA is currently implementing the third
16 year of its 5 year expenditure plan that is successfully and rapidly reducing its
17 LOCCS balance.

18 D. The Navajo Nation hereby states that Congress should make no changes to the
19 IHBG funding allocation formula and that any changes to the funding
20 allocation formula should be consistent with the terms agreed to by the
21 Negotiated Rulemaking Committee on August 28, 2014 in Scottsdale,
22 Arizona.
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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R.

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PEARCE introduced the following bill; which was referred to the Committee on _____

A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Native American Housing Assistance and Self-Deter-
6 mination Reauthorization Act of 2015”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

Sec. 1. Short title, table of contents.
Sec. 2. References.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Recommendations regarding exceptions to annual Indian housing plan requirement.
- Sec. 103. Environmental review.
- Sec. 104. Deadline for action on request for approval regarding exceeding TDC maximum cost for project.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

- Sec. 201. National objectives and eligible families.
- Sec. 202. Program requirements.
- Sec. 203. Homeownership or lease-to-own low-income requirement and income targeting.
- Sec. 204. Lease requirements and tenant selection.
- Sec. 205. Tribal coordination of agency funding.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Authorization of appropriations.
- Sec. 302. Effect of undisbursed block grant amounts on annual allocations.

TITLE IV—AUDITS AND REPORTS

- Sec. 401. Review and audit by Secretary.
- Sec. 402. Reports to Congress.

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

- Sec. 501. HUD-Veterans Affairs supportive housing program for Native American veterans.
- Sec. 502. Loan guarantees for Indian housing.

TITLE VI—MISCELLANEOUS

- Sec. 601. Lands Title Report Commission.
- Sec. 602. Limitation on use of funds for Cherokee Nation.
- Sec. 603. Leasehold interest in trust or restricted lands for housing purposes.
- Sec. 604. Clerical amendment.

TITLE VII—DEMONSTRATION PROGRAM FOR ALTERNATIVE
PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- Sec. 701. Demonstration program.
- Sec. 702. Clerical amendments.

TITLE VIII—HOUSING FOR NATIVE HAWAIIANS

- Sec. 801. Reauthorization of Native Hawaiian Homeownership Act.
- Sec. 802. Reauthorization of loan guarantees for Native Hawaiian housing.

1 SEC. 2. REFERENCES.

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion, the reference shall be considered to be made to a
3 section or other provision of the Native American Housing
4 Assistance and Self-Determination Act of 1996 (25 U.S.C.
5 4101 et seq.).

6 **TITLE I—BLOCK GRANTS AND** 7 **GRANT REQUIREMENTS**

8 **SEC. 101. BLOCK GRANTS.**

9 Section 101 (25 U.S.C. 4111) is amended—

10 (1) in subsection (c), by adding after the period
11 at the end the following: “The Secretary shall act
12 upon a waiver request submitted under this sub-
13 section by a recipient within 60 days after receipt of
14 such request.”; and

15 (2) in subsection (k), by striking “1” and in-
16 serting “an”.

17 **SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS** 18 **TO ANNUAL INDIAN HOUSING PLAN RE-** 19 **QUIREMENT.**

20 Not later than the expiration of the 120-day period
21 beginning on the date of the enactment of this Act and
22 after consultation with Indian tribes, tribally designated
23 housing entities, and other interested parties, the Sec-
24 retary of Housing and Urban Development shall submit
25 to the Congress recommendations for standards and pro-

1 cedures for waiver of, or alternative requirements (which
2 may include multi-year housing plans) for, the require-
3 ment under section 102(a) of the Native American Hous-
4 ing Assistance and Self-Determination Act of 1996 (25
5 U.S.C. 4112(a)) for annual submission of one-year hous-
6 ing plans for an Indian tribe. Such recommendations shall
7 include a description of any legislative and regulatory
8 changes necessary to implement such recommendations.

9 **SEC. 103. ENVIRONMENTAL REVIEW.**

10 Section 105 (25 U.S.C. 4115) is amended—

11 (1) in subsection (d)—

12 (A) in the matter preceding paragraph (1),
13 by striking “may” and inserting “shall”; and

14 (B) by adding after and below paragraph
15 (4) the following:

16 “The Secretary shall act upon a waiver request submitted
17 under this subsection by a recipient within 60 days after
18 receipt of such request.”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
22 REQUIREMENTS.—If a recipient is using one or more
23 sources of Federal funds in addition to grant amounts
24 under this Act in carrying out a project that qualifies as
25 an affordable housing activity under section 202, such

1 other sources of Federal funds do not exceed 49 percent
2 of the total cost of the project, and the recipient's tribe
3 has assumed all of the responsibilities for environmental
4 review, decisionmaking, and action pursuant to this sec-
5 tion, the tribe's compliance with the review requirements
6 under this section and the National Environmental Policy
7 Act of 1969 with regard to such project shall be deemed
8 to fully comply with and discharge any applicable environ-
9 mental review requirements that might apply to Federal
10 agencies with respect to the use of such additional Federal
11 funding sources for that project.”.

12 **SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR AP-**
13 **PROVAL REGARDING EXCEEDING TDC MAX-**
14 **IMUM COST FOR PROJECT.**

15 (a) APPROVAL.—Section 103 (25 U.S.C. 4113) is
16 amended by adding at the end the following new sub-
17 section:

18 “(f) DEADLINE FOR ACTION ON REQUEST TO EX-
19 CEED TDC MAXIMUM.—A request for approval by the
20 Secretary of Housing and Urban Development to exceed
21 by more than 10 percent the total development cost max-
22 imum cost for a project shall be approved or denied during
23 the 60-day period that begins on the date that the Sec-
24 retary receives the request.”.

1 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is
2 amended—

3 (1) by redesignating paragraph (22) as para-
4 graph (23); and

5 (2) by inserting after paragraph (21) the fol-
6 lowing new paragraph:

7 “(22) TOTAL DEVELOPMENT COST.—The term
8 ‘total development cost’ means, with respect to a
9 housing project, the sum of all costs for the project,
10 including all undertakings necessary for administra-
11 tion, planning, site acquisition, demolition, construc-
12 tion or equipment and financing (including payment
13 of carrying charges), and for otherwise carrying out
14 the development of the project, excluding off-site
15 water and sewer. The total development cost
16 amounts shall be based on a moderately designed
17 house and determined by averaging the current con-
18 struction costs as listed in not less than two nation-
19 ally recognized residential construction cost indi-
20 ces.”.

21 **TITLE II—AFFORDABLE** 22 **HOUSING ACTIVITIES**

23 **SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.**

24 The second paragraph (6) of section 201(b) (25
25 U.S.C. 4131(b)(6); relating to exemption) is amended—

1 (1) by striking “1964 and” and inserting
2 “1964,”; and

3 (2) by inserting after “1968” the following: “,
4 and section 3 of the Housing and Urban Develop-
5 ment Act of 1968”.

6 **SEC. 202. PROGRAM REQUIREMENTS.**

7 Section 203(a) (25 U.S.C. 4133(a)) is amended—

8 (1) in paragraph (1), by striking “paragraph
9 (2)” and inserting “paragraphs (2) and (3)”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(3) APPLICATION OF TRIBAL POLICIES.—
13 Paragraph (2) shall not apply if the recipient has a
14 written policy governing rents and homebuyer pay-
15 ments charged for dwelling units and such policy in-
16 cludes a provision governing maximum rents or
17 homebuyer payments.”;

18 **SEC. 203. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**
19 **COME REQUIREMENT AND INCOME TAR-**
20 **GETING.**

21 Section 205 (25 U.S.C. 4135) is amended—

22 (1) in subsection (a)(1)—

23 (A) in subparagraph (C), by striking
24 “and” at the end; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(E) notwithstanding any other provision
4 of this paragraph, in the case of rental housing
5 that is made available to a current rental family
6 for conversion to a homebuyer or a lease-pur-
7 chase unit, that the current rental family can
8 purchase through a contract of sale, lease-pur-
9 chase agreement, or any other sales agreement,
10 is made available for purchase only by the cur-
11 rent rental family, if the rental family was a
12 low-income family at the time of their initial oc-
13 cupancy of such unit; and”; and

14 (2) in subsection (c), by adding after the period
15 at the end the following: “The provisions of such
16 paragraph regarding binding commitments for the
17 remaining useful life of the property shall not apply
18 to improvements of privately owned homes if the
19 cost of such improvements do not exceed 10 percent
20 of the maximum total development cost for such
21 home.”.

22 **SEC. 204. LEASE REQUIREMENTS AND TENANT SELECTION.**

23 Section 207 (25 U.S.C. 4137) is amended by adding
24 at the end the following new subsection:

1 “(c) NOTICE OF TERMINATION.—Notwithstanding
2 any other provision of law, the owner or manager of rental
3 housing that is assisted in part with amounts provided
4 under this Act and in part with one or more other sources
5 of Federal funds shall only utilize leases that require a
6 notice period for the termination of the lease pursuant to
7 subsection (a)(3).”.

8 **SEC. 205. TRIBAL COORDINATION OF AGENCY FUNDING.**

9 (a) IN GENERAL.—Subtitle A of title II (25 U.S.C.
10 4131 et seq.) is amended by adding at the end the fol-
11 lowing new section:

12 **“SEC. 211. TRIBAL COORDINATION OF AGENCY FUNDING.**

13 “Notwithstanding any other provision of law, a re-
14 cipient authorized to receive funding under this Act may,
15 in its discretion, use funding from the Indian Health Serv-
16 ice of the Department of Health and Human Services for
17 construction of sanitation facilities for housing construc-
18 tion and renovation projects that are funded in part by
19 funds provided under this Act.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) is amended by inserting after the item re-
22 lating to section 210 the following new item:

“Sec. 211. Tribal coordination of agency funding.”.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 108 (25 U.S.C. 4117) is amended by striking “such sums as may be necessary for each of fiscal years 2009 through 2013” and inserting “\$650,000,000 for each of fiscal years 2015 through 2019”.

SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT AMOUNTS ON ANNUAL ALLOCATIONS.

(a) IN GENERAL.—Title III (25 U.S.C. 4151 et seq.) is amended by adding at the end the following new section:

“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON ANNUAL ALLOCATIONS.

“(a) NOTIFICATION OF OBLIGATED, UNDISBURSED GRANT AMOUNTS.—Subject to subsection (d) of this section, if as of January 1 of 2015 or any year thereafter a recipient’s total amount of undisbursed block grants in the Department’s line of credit control system is greater than three times the formula allocation such recipient would otherwise receive under this Act for the fiscal year during which such January 1 occurs, the Secretary shall—

“(1) before January 31 of such year, notify the Indian tribe allocated the grant amounts and any

1 tribally designated housing entity for the tribe of the
2 undisbursed funds; and

3 “(2) require the recipient for the tribe to, not
4 later than 30 days after the Secretary provides noti-
5 fication pursuant to paragraph (1)—

6 “(A) notify the Secretary in writing of the
7 reasons why the recipient has not requested the
8 disbursement of such amounts; and

9 “(B) demonstrate to the satisfaction of the
10 Secretary that the recipient has the capacity to
11 spend Federal funds in an effective manner,
12 which demonstration may include evidence of
13 the timely expenditure of amounts previously
14 distributed under this Act to the recipient.

15 “(b) **ALLOCATION AMOUNT.**—Notwithstanding sec-
16 tions 301 and 302, the allocation for such fiscal year for
17 a recipient described in subsection (a) shall be the amount
18 initially calculated according to the formula minus the dif-
19 ference between the recipient’s total amount of
20 undisbursed block grants in the Department’s line of cred-
21 it control system on such January 1 and three times the
22 initial formula amount for such fiscal year.

23 “(c) **REALLOCATION.**—Notwithstanding any other
24 provision of law, any grant amounts not allocated to a re-
25 cipient pursuant to subsection (b) shall be allocated under

1 the need component of the formula proportionately
2 amount all other Indian tribes not subject to such an ad-
3 justment.

4 “(d) INAPPLICABILITY.—Subsections (a) and (b)
5 shall not apply to an Indian tribe with respect to any fiscal
6 year for which the amount allocated for the tribe for block
7 grants under this Act is less than \$5,000,000.

8 “(e) EFFECTIVENESS.—This section shall not require
9 the issuance of any regulation to take effect and shall not
10 be construed to confer hearing rights under this or any
11 other section of this Act.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) is amended by inserting after the item re-
14 lating to section 302 the following new item:

“Sec. 303. Effect of undisbursed grant amounts on annual allocations.”.

15 **TITLE IV—AUDITS AND REPORTS**

16 **SEC. 401. REVIEW AND AUDIT BY SECRETARY.**

17 Section 405(e) (25 U.S.C. 4165(e)) is amended, by
18 adding at the end the following new paragraph:

19 “(3) ISSUANCE OF FINAL REPORT.—The Sec-
20 retary shall issue a final report within 60 days after
21 receiving comments under paragraph (1) from a re-
22 cipient.”.

23 **SEC. 402. REPORTS TO CONGRESS.**

24 Section 407 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking “Congress” and inserting “Committee on Financial Services and the Committee on Natural Resources of the House of Representatives, to the Committee on Indian Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, and to any subcommittees of such committees having jurisdiction with respect to Native American and Alaska Native affairs,”; and

(2) by adding at the end the following new subsection:

“(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each report submitted pursuant to subsection (a) shall be made publicly available to recipients.”.

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING PROGRAM FOR NATIVE AMERICAN VETERANS.

Paragraph (19) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following new subparagraph:

“(D) NATIVE AMERICAN VETERANS.—

1 “(i) **AUTHORITY.**—Of the funds made
2 available for rental assistance under this
3 subsection for fiscal year 2015 and each
4 fiscal year thereafter, the Secretary shall
5 set aside 5 percent for a supported housing
6 and rental assistance program modeled on
7 the HUD–Veterans Affairs Supportive
8 Housing (HUD–VASH) program, to be
9 administered in conjunction with the De-
10 partment of Veterans Affairs, for the ben-
11 efit of homeless Native American veterans
12 and veterans at risk of homelessness.

13 “(ii) **RECIPIENTS.**—Such rental as-
14 sistance shall be made available to recipi-
15 ents eligible to receive block grants under
16 the Native American Housing Assistance
17 and Self-Determination Act of 1996 (25
18 U.S.C. 4101 et seq.).

19 “(iii) **FUNDING CRITERIA.**—Funds
20 shall be awarded based on need, adminis-
21 trative capacity, and any other funding cri-
22 teria established by the Secretary in a no-
23 tice published in the Federal Register,
24 after consultation with the Secretary of
25 Veterans Affairs, by a date sufficient to

1 provide for implementation of the program
2 under this subparagraph in accordance
3 with clause (i).

4 “(iv) PROGRAM REQUIREMENTS.—
5 Such funds shall be administered by block
6 grant recipients in accordance with pro-
7 gram requirements under Native American
8 Housing Assistance and Self-Determina-
9 tion Act of 1996 in lieu of program re-
10 quirements under this Act.

11 “(v) WAIVER.—The Secretary may
12 waive, or specify alternative requirements
13 for any provision of any statute or regula-
14 tion that the Secretary administers in con-
15 nection with the use of funds made avail-
16 able under this subparagraph, but only
17 upon a finding by the Secretary that such
18 waiver or alternative requirement is nec-
19 essary to promote administrative efficiency,
20 eliminate delay, consolidate or eliminate
21 duplicative or ineffective requirements or
22 criteria, or otherwise provide for the effec-
23 tive delivery and administration of such
24 supportive housing assistance to Native
25 American veterans.

1 “(vi) CONSULTATION.—The Secretary
2 and the Secretary of Veterans Affairs shall
3 jointly consult with block grant recipients
4 and any other appropriate tribal organiza-
5 tions to—

6 “(I) ensure that block grant re-
7 cipients administering funds made
8 available under the program under
9 this subparagraph are able to effec-
10 tively coordinate with providers of
11 supportive services provided in con-
12 nection with such program; and

13 “(II) ensure the effective delivery
14 of supportive services to Native Amer-
15 ican veterans that are homeless or at
16 risk of homelessness eligible to receive
17 assistance under this subparagraph.

18 Consultation pursuant to this clause shall
19 be completed by a date sufficient to pro-
20 vide for implementation of the program
21 under this subparagraph in accordance
22 with clause (i).

23 “(vii) NOTICE.—The Secretary shall
24 establish the requirements and criteria for
25 the supported housing and rental assist-

1 ance program under this subparagraph by
2 notice published in the Federal Register,
3 but shall provide Indian tribes and tribally
4 designated housing agencies an oppor-
5 tunity for comment and consultation before
6 publication of a final notice pursuant to
7 this clause.”.

8 **SEC. 502. LOAN GUARANTEES FOR INDIAN HOUSING.**

9 Section 184(i)(5) of the Housing and Community De-
10 velopment Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is
11 amended—

12 (1) in subparagraph (B), by inserting after the
13 period at the end of the first sentence the following:
14 “There are authorized to be appropriated for such
15 costs \$12,200,000 for each of fiscal years 2015
16 through 2019.”; and

17 (2) in subparagraph (C)—

18 (A) by striking “2008 through 2012” and
19 inserting “2015 through 2019”; and

20 (B) by striking “such amount as may be
21 provided in appropriation Acts for” and insert-
22 ing “\$976,000,000 for each”.

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. LANDS TITLE REPORT COMMISSION.**

3 Section 501 of the American Homeownership and
4 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
5 is amended—

6 (1) in subsection (a), by striking “Subject to
7 sums being provided in advance in appropriations
8 Acts, there” and inserting “There”; and

9 (2) in subsection (b)(1) by striking “this Act”
10 and inserting “the Native American Housing Assist-
11 ance and Self-Determination Reauthorization Act of
12 2015”.

13 **SEC. 602. LIMITATION ON USE OF FUNDS FOR CHEROKEE**
14 **NATION.**

15 Section 801 of the Native American Housing Assist-
16 ance and Self-Determination Reauthorization Act of 2008
17 (Public Law 110–411) is amended by striking “Tem-
18 porary Order and Temporary Injunction issued on May
19 14, 2007, by the District Court of the Cherokee Nation”
20 and inserting “Order issued September 21, 2011, by the
21 Federal District Court for the District of Columbia”.

22 **SEC. 603. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**
23 **LANDS FOR HOUSING PURPOSES.**

24 Section 702 (25 U.S.C. 4211) is amended—

1 (1) in subsection (c)(1), by inserting “, whether
2 enacted before, on, or after the date of the enact-
3 ment of this section” after “law”; and

4 (2) by striking “50 years” each place such term
5 appears and inserting “99 years”.

6 **SEC. 604. CLERICAL AMENDMENT.**

7 The table of contents in section 1(b) is amended by
8 striking the item relating to section 206 (treatment of
9 funds).

10 **TITLE VII—DEMONSTRATION**
11 **PROGRAM FOR ALTERNATIVE**
12 **PRIVATIZATION AUTHORITY**
13 **FOR NATIVE AMERICAN**
14 **HOUSING**

15 **SEC. 701. DEMONSTRATION PROGRAM.**

16 Add at the end of the Act the following new title:

17 **“TITLE IX—DEMONSTRATION**
18 **PROGRAM FOR ALTERNATIVE**
19 **PRIVATIZATION AUTHORITY**
20 **FOR NATIVE AMERICAN**
21 **HOUSING**

22 **“SEC. 901. AUTHORITY.**

23 **“(a) IN GENERAL.—**In addition to any other author-
24 ity provided in this Act for the construction, development,
25 maintenance, and operation of housing for Indian families,

1 the Secretary shall provide the participating tribes having
2 final plans approved pursuant to section 905 with the au-
3 thority to exercise the activities provided under this title
4 and such plan for the acquisition and development of
5 housing to meet the needs of tribal members.

6 “(b) INAPPLICABILITY OF NAHASDA PROVI-
7 SIONS.—Except as specifically provided otherwise in this
8 title, titles I through IV, VI, and VII shall not apply to
9 a participating tribe’s use of funds during any period that
10 the tribe is participating in the demonstration program
11 under this title.

12 “(c) CONTINUED APPLICABILITY OF CERTAIN
13 NAHASDA PROVISIONS.—The following provisions of ti-
14 tles I through VIII shall apply to the demonstration pro-
15 gram under this title and amounts made available under
16 the demonstration program under this title:

17 “(1) Subsections (d) and (e) of section 101 (re-
18 lating to tax exemption).

19 “(2) Section 101(j) (relating to Federal supply
20 sources).

21 “(3) Section 101(k) (relating to tribal pref-
22 erence in employment and contracting).

23 “(4) Section 104 (relating to treatment of pro-
24 gram income and labor standards).

1 “(5) Section 105 (relating to environmental re-
2 view).

3 “(6) Section 201(b) (relating to eligible fami-
4 lies), except as otherwise provided in this title.

5 “(7) Section 203(g) (relating to a de minimis
6 exemption for procurement of goods and services).

7 “(8) Section 702 (relating to 99-year leasehold
8 interests in trust or restricted lands for housing pur-
9 poses).

10 **“SEC. 902. PARTICIPATING TRIBES.**

11 “(a) REQUEST TO PARTICIPATE.—To be eligible to
12 participate in the demonstration program under this title,
13 an Indian tribe shall submit to the Secretary a notice of
14 intention to participate during the 60-day period begin-
15 ning on the date of the enactment of this title, in such
16 form and such manner as the Secretary shall provide.

17 “(b) COOPERATIVE AGREEMENT.—Upon approval
18 under section 905 of the final plan of an Indian tribe for
19 participation in the demonstration program under this
20 title, the Secretary shall enter into a cooperative agree-
21 ment with the participating tribe that provides such tribe
22 with the authority to carry out activities under the dem-
23 onstration program.

1 “(c) LIMITATION.—The Secretary may not approve
2 more than 20 Indian tribes for participation in the dem-
3 onstration program under this title.

4 **“SEC. 903. REQUEST FOR QUOTES AND SELECTION OF IN-**
5 **VESTOR PARTNER.**

6 “(a) REQUEST FOR QUOTES.—Not later than the ex-
7 piration of the 180-day period beginning upon notification
8 to the Secretary by an Indian tribe of intention to partici-
9 pate in the demonstration program under this title, the
10 Indian tribe shall—

11 “(1) obtain assistance from a qualified entity in
12 assessing the housing needs, including the affordable
13 housing needs, of the tribe; and

14 “(2) release a request for quotations from enti-
15 ties interested in partnering with the tribe in design-
16 ing and carrying out housing activities sufficient to
17 meet the tribe’s housing needs as identified pursuant
18 to paragraph (1).

19 **“(b) SELECTION OF INVESTOR PARTNER.—**

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), not later than the expiration of the 18-
22 month period beginning on the date of the enact-
23 ment of this title, an Indian tribe requesting to par-
24 ticipate in the demonstration program under this
25 title shall—

1 “(A) select an investor partner from
2 among the entities that have responded to the
3 tribe’s request for quotations; and

4 “(B) together with such investor partner,
5 establish and submit to the Secretary a final
6 plan that meets the requirements under section
7 904.

8 “(2) EXCEPTIONS.—The Secretary may extend
9 the period under paragraph (1) for any tribe that—

10 “(A) has not received any satisfactory
11 quotation in response to its request released
12 pursuant to subsection (a)(2); or

13 “(B) has any other satisfactory reason, as
14 determined by the Secretary, for failure to se-
15 lect an investor partner.

16 **“SEC. 904. FINAL PLAN.**

17 “A final plan under this section shall—

18 “(1) be developed by the participating tribe and
19 the investor partner for the tribe selected pursuant
20 to section 903(b)(1)(A);

21 “(2) identify the qualified entity that assisted
22 the tribe in assessing the housing needs of the tribe;

23 “(3) set forth a detailed description of such
24 projected housing needs, including affordable hous-
25 ing needs, of the tribe, which shall include—

1 “(A) a description of such need over the
2 ensuing 24 months and thereafter until the ex-
3 piration of the ensuing 5-year period or until
4 the affordable housing need is met, whichever
5 occurs sooner; and

6 “(B) the same information that would be
7 required under section 102 to be included in an
8 Indian housing plan for the tribe, as such re-
9 quirements may be modified by the Secretary to
10 take consideration of the requirements of the
11 demonstration program under this title;

12 “(4) provide for specific housing activities suffi-
13 cient to meet the tribe’s housing needs, including af-
14 fordable housing needs, as identified pursuant to
15 paragraph (3) within the periods referred to such
16 paragraph, which shall include—

17 “(A) development of affordable housing (as
18 such term is defined in section 4 of this Act (25
19 U.S.C. 4103));

20 “(B) development of conventional homes
21 for rental, lease-to-own, or sale, which may be
22 combined with affordable housing developed
23 pursuant to subparagraph (A);

24 “(C) development of housing infrastruc-
25 ture, including housing infrastructure sufficient

1 to serve affordable housing developed under the
2 plan; and

3 “(D) investments by the investor partner
4 for the tribe, the participating tribe, members
5 of the participating tribe, and financial institu-
6 tions and other outside investors necessary to
7 provide financing for the development of hous-
8 ing under the plan and for mortgages for tribal
9 members purchasing such housing;

10 “(5) provide that the participating tribe will
11 agree to provide long-term leases to tribal members
12 sufficient for lease-to-own arrangements for, and
13 sale of, the housing developed pursuant to paragraph
14 (4);

15 “(6) provide that the participating tribe—

16 “(A) will be liable for delinquencies under
17 mortgage agreements for housing developed
18 under the plan that are financed under the plan
19 and entered into by tribal members; and

20 “(B) shall, upon foreclosure under such
21 mortgages, take possession of such housing and
22 have the responsibility for making such housing
23 available to other tribal members;

24 “(7) provide for sufficient protections, in the
25 determination of the Secretary, to ensure that the

1 tribe and the Federal Government are not liable for
2 the acts of the investor partner or of any contrac-
3 tors;

4 “(8) provide that the participating tribe shall
5 have sole final approval of design and location of
6 housing developed under the plan;

7 “(9) set forth specific deadlines and schedules
8 for activities to be undertaken under the plan and
9 set forth the responsibilities of the participating
10 tribe and the investor partner;

11 “(10) set forth specific terms and conditions of
12 return on investment by the investor partner and
13 other investors under the plan, and provide that the
14 participating tribe shall pledge grant amounts allo-
15 cated for the tribe pursuant to title III for such re-
16 turn on investment;

17 “(11) set forth the terms of a cooperative
18 agreement on the operation and management of the
19 current assistance housing stock and current hous-
20 ing stock for the tribe assisted under the preceding
21 titles of this Act;

22 “(12) set forth any plans for sale of affordable
23 housing of the participating tribe under section 907
24 and, if included, plans sufficient to meet the require-

1 ments of section 907 regarding meeting future af-
2 fordable housing needs of the tribe;

3 “(13) set forth terms for enforcement of the
4 plan, including an agreement regarding jurisdiction
5 of any actions under or to enforce the plan, includ-
6 ing a waiver of immunity; and

7 “(14) include such other information as the
8 participating tribe and investor partner consider ap-
9 propriate.

10 **“SEC. 905. HUD REVIEW AND APPROVAL OF PLAN.**

11 “(a) IN GENERAL.—Not later than the expiration of
12 the 90-day period beginning upon a submission by an In-
13 dian tribe of a final plan under section 904 to the Sec-
14 retary, the Secretary shall—

15 “(1) review the plan and the process by which
16 the tribe solicited requests for quotations from inves-
17 tors and selected the investor partner; and

18 “(2)(A) approve the plan, unless the Secretary
19 determines that—

20 “(i) the assessment of the tribe’s housing
21 needs by the qualified entity, or as set forth in
22 the plan pursuant to section 904(3), is inac-
23 curate or insufficient;

1 “(ii) the process established by the tribe to
2 solicit requests for quotations and select an in-
3 vestor partner was insufficient or negligent; or

4 “(iii) the plan is insufficient to meet the
5 housing needs of the tribe, as identified in the
6 plan pursuant to section 904(3);

7 “(B) approve the plan, on the condition that
8 the participating tribe and the investor make such
9 revisions to the plan as the Secretary may specify as
10 appropriate to meet the needs of the tribe for afford-
11 able housing; or

12 “(C) disapprove the plan, only if the Secretary
13 determines that the plan fails to meet the minimal
14 housing standards and requirements set forth in this
15 Act and the Secretary notifies the tribe of the ele-
16 ments requiring the disapproval.

17 “(b) ACTION UPON DISAPPROVAL.—

18 “(1) RE-SUBMISSION OF PLAN.—Subject to
19 paragraph (2), in the case of any disapproval of a
20 final plan of an Indian tribe pursuant to subsection
21 (a)(3), the Secretary shall allow the tribe a period
22 of 180 days from notification to the tribe of such
23 disapproval to re-submit a revised plan for approval.

24 “(2) LIMITATION.—If the final plan for an In-
25 dian tribe is disapproved twice and resubmitted

1 twice pursuant to the authority under paragraph (1)
2 and, upon such second re-submission of the plan the
3 Secretary disapproves the plan, the tribe may not re-
4 submit the plan again and shall be ineligible to par-
5 ticipate in the demonstration program under this
6 title.

7 “(c) **TRIBE AUTHORITY OF HOUSING DESIGN AND**
8 **LOCATION.**—The Secretary may not disapprove a final
9 plan under section 904, or condition approval of such a
10 plan, based on the design or location of any housing to
11 be developed or assisted under the plan.

12 “(d) **FAILURE TO NOTIFY.**—If the Secretary does
13 not notify a participating tribe submitting a final plan of
14 approval, conditional approval, or disapproval of the plan
15 before the expiration of the period referred to in para-
16 graph (1), the plan shall be considered as approved for
17 all purposes of this title.

18 **“SEC. 906. TREATMENT OF NAHASDA ALLOCATION.**

19 “Amounts otherwise allocated for a participating
20 tribe under title III of this Act (25 U.S.C. 4151 et seq.)
21 shall not be made available to the tribe under titles I
22 through VIII , but shall only be available for the tribe,
23 upon request by the tribe and approval by the Secretary,
24 for the following purposes:

1 “(1) RETURN ON INVESTMENT.—Such amounts
2 as are pledged by a participating tribe pursuant to
3 section 904(10) for return on the investment made
4 by the investor partner or other investors may be
5 used by the Secretary to ensure such full return on
6 investment.

7 “(2) ADMINISTRATIVE EXPENSES.—The Sec-
8 retary may provide to a participating tribe, upon the
9 request of a tribe, not more than 10 percent of any
10 annual allocation made under title III for the tribe
11 during such period for administrative costs of the
12 tribe in completing the processes to carry out sec-
13 tions 903 and 904.

14 “(3) HOUSING INFRASTRUCTURE COSTS.—A
15 participating tribe may use such amounts for hous-
16 ing infrastructure costs associated with providing af-
17 fordable housing for the tribe under the final plan.

18 “(4) MAINTENANCE; TENANT SERVICES.—A
19 participating tribe may use such amounts for main-
20 tenance of affordable housing for the tribe and for
21 housing services, housing management services, and
22 crime prevention and safety activities described in
23 paragraphs (3), (4), and (5), respectively, of section
24 202.

1 **“SEC. 907. RESALE OF AFFORDABLE HOUSING.**

2 “Notwithstanding any other provision of this Act, a
3 participating tribe may, in accordance with the provisions
4 of the final plan of the tribe approved pursuant to section
5 905, resell any affordable housing developed with assist-
6 ance made available under this Act for use other than as
7 affordable housing, but only if the tribe provides such as-
8 surances as the Secretary determines are appropriate to
9 ensure that—

10 “(1) the tribe is meeting its need for affordable
11 housing;

12 “(2) will provide affordable housing in the fu-
13 ture sufficient to meet future affordable housing
14 needs; and

15 “(3) will use any proceeds only to meet such fu-
16 ture affordable housing needs or as provided in sec-
17 tion 906.

18 **“SEC. 908. REPORTS, AUDITS, AND COMPLIANCE.**

19 “(a) ANNUAL REPORTS BY TRIBE.—Each partici-
20 pating tribe shall submit a report to the Secretary annu-
21 ally regarding the progress of the tribe in complying with,
22 and meeting the deadlines and schedules set forth under
23 the approved final plan for the tribe. Such reports shall
24 contain such information as the Secretary shall require.

25 “(b) REPORTS TO CONGRESS.—The Secretary shall
26 submit a report to the Congress annually describing the

1 activities and progress of the demonstration program
2 under this title, which shall—

3 “(1) summarize the information in the reports
4 submitted by participating tribes pursuant to sub-
5 section (a);

6 “(2) identify the number of tribes that have se-
7 lected an investor partner pursuant to a request for
8 quotations;

9 “(3) include, for each tribe applying for partici-
10 pating in the demonstration program whose final
11 plan was disapproved under section 905(a)(2)(C), a
12 detailed description and explanation of the reasons
13 for disapproval and all actions taken by the tribe to
14 eliminate the reasons for disapproval, and identify
15 whether the tribe has re-submitted a final plan;

16 “(4) identify, by participating tribe, any
17 amounts requested and approved for use under sec-
18 tion 906; and

19 “(5) identify any participating tribes that have
20 terminated participation in the demonstration pro-
21 gram and the circumstances of such terminations.

22 “(c) AUDITS.—The Secretary shall provide for audits
23 among participating tribes to ensure that the final plans
24 for such tribes are being implemented and complied with.
25 Such audits shall include on-site visits with participating

1 tribes and requests for documentation appropriate to en-
2 sure such compliance.

3 **“SEC. 909. TERMINATION OF TRIBAL PARTICIPATION.**

4 “(a) **TERMINATION OF PARTICIPATION.**—A partici-
5 pating tribe may terminate participation in the demonstra-
6 tion program under this title at any time, subject to this
7 section.

8 “(b) **EFFECT ON EXISTING OBLIGATIONS.**—

9 “(1) **NO AUTOMATIC TERMINATION.**—Termi-
10 nation by a participating tribe in the demonstration
11 program under this section shall not terminate any
12 obligations of the tribe under agreements entered
13 into under the demonstration program with the in-
14 vestor partner for the tribe or any other investors or
15 contractors.

16 “(2) **AUTHORITY TO MUTUALLY TERMINATE**
17 **AGREEMENTS.**—Nothing in this title may be con-
18 strued to prevent a tribe that terminates participa-
19 tion in the demonstration program under this sec-
20 tion and any party with which the tribe has entered
21 into an agreement from mutually agreeing to termi-
22 nate such agreement.

23 “(c) **RECEIPT OF REMAINING GRANT AMOUNTS.**—
24 The Secretary shall provide for grants to be made in ac-
25 cordance with, and subject to the requirements of, this Act

1 for any amounts remaining after use pursuant to section
2 906 from the allocation under title III for a participating
3 tribe that terminates participation in the demonstration
4 program.

5 “(d) COSTS AND OBLIGATIONS.—The Secretary shall
6 not be liable for any obligations or costs incurred by an
7 Indian tribe during its participation in the demonstration
8 program under this title.

9 **“SEC. 910. FINAL REPORT.**

10 “Not later than the expiration of the 5-year period
11 beginning on the date of the enactment of this title, the
12 Secretary shall submit a final report to the Congress re-
13 garding the effectiveness of the demonstration program,
14 which shall include—

15 “(1) an assessment of the success, under the
16 demonstration program, of participating tribes in
17 meeting their housing needs, including affordable
18 housing needs, on tribal land;

19 “(2) recommendations for any improvements in
20 the demonstration program; and

21 “(3) a determination of whether the demonstra-
22 tion should be expanded into a permanent program
23 available for Indian tribes to opt into at any time
24 and, if so, recommendations for such expansion, in-

1 cluding any legislative actions necessary to expand
2 the program.

3 **“SEC. 911. DEFINITIONS.**

4 “For purposes of this title, the following definitions
5 shall apply:

6 “(1) AFFORDABLE HOUSING.—The term ‘af-
7 fordable housing’ has the meaning given such term
8 in section 4 (25 U.S.C. 4103).

9 “(2) HOUSING INFRASTRUCTURE.—The term
10 ‘housing infrastructure’ means basic facilities, serv-
11 ices, systems, and installations necessary or appro-
12 priate for the functioning of a housing community,
13 including facilities, services, systems, and installa-
14 tions for water, sewage, power, communications, and
15 transportation.

16 “(3) LONG-TERM LEASE.—The term ‘long-term
17 lease’ means an agreement between a participating
18 tribe and a tribal member that authorizes the tribal
19 member to occupy a specific plot of tribal lands for
20 50 or more years and to request renewal of the
21 agreement at least once.

22 “(4) PARTICIPATING TRIBES.—The term ‘par-
23 ticipating tribe’ means an Indian tribe for which a
24 final plan under section 904 for participation in the

1 demonstration program under this title has been ap-
2 proved by the Secretary under section 905.

3 **“SEC. 912. NOTICE.**

4 “The Secretary shall establish any requirements and
5 criteria as may be necessary to carry out the demonstra-
6 tion program under this title by notice published in the
7 Federal Register.”.

8 **SEC. 702. CLERICAL AMENDMENTS.**

9 The table of contents in section 1(b) is amended by
10 inserting after the item relating to section 705 the fol-
11 lowing:

“TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

- “Sec. 801. Definitions.
- “Sec. 802. Block grants for affordable housing activities.
- “Sec. 803. Housing plan.
- “Sec. 804. Review of plans.
- “Sec. 805. Treatment of program income and labor standards.
- “Sec. 806. Environmental review.
- “Sec. 807. Regulations.
- “Sec. 808. Effective date.
- “Sec. 809. Affordable housing activities.
- “Sec. 810. Eligible affordable housing activities.
- “Sec. 811. Program requirements.
- “Sec. 812. Types of investments.
- “Sec. 813. Low-income requirement and income targeting.
- “Sec. 814. Lease requirements and tenant selection.
- “Sec. 815. Repayment.
- “Sec. 816. Annual allocation.
- “Sec. 817. Allocation formula.
- “Sec. 818. Remedies for noncompliance.
- “Sec. 819. Monitoring of compliance.
- “Sec. 820. Performance reports.
- “Sec. 821. Review and audit by Secretary.
- “Sec. 822. General Accounting Office audits.
- “Sec. 823. Reports to Congress.
- “Sec. 824. Authorization of appropriations.

“TITLE IX —DEMONSTRATION PROGRAM FOR ALTERNATIVE
PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- “Sec. 901. Authority.
- “Sec. 902. Participating tribes.

“Sec. 903. Request for quotes and selection of investor partner.

“Sec. 904. Final plan.

“Sec. 905. HUD review and approval of plan.

“Sec. 906. Treatment of NAIASDA allocation.

“Sec. 907. Resale of affordable housing.

“Sec. 908. Reports, audits, and compliance.

“Sec. 909. Termination of tribal participation.

“Sec. 910. Final report.

“Sec. 911. Definitions.

“Sec. 912. Notice.”

1 **TITLE VIII—HOUSING FOR** 2 **NATIVE HAWAIIANS**

3 **SEC. 801. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-** 4 **OWNERSHIP ACT.**

5 Section 824 (25 U.S.C. 4243) is amended by striking
6 “such sums as may be necessary” and all that follows
7 through the period at the end and inserting “\$13,000,000
8 for each of fiscal years 2015 through 2019.”.

9 **SEC. 802. REAUTHORIZATION OF LOAN GUARANTEES FOR** 10 **NATIVE HAWAIIAN HOUSING.**

11 Section 184A(j)(5) of the Housing and Community
12 Development Act of 1992 (12 U.S.C. 1715z–13b(j)(5)) is
13 amended—

14 (1) in subparagraph (B), by inserting after the
15 period at the end of the first sentence the following:
16 “There are authorized to be appropriated for such
17 costs \$386,000 for each of fiscal years 2015 through
18 2019.”; and

19 (2) in subparagraph (C), by striking “for each
20 of fiscal years” and all that follows through the pe-

1 riod at the end and inserting “for each of fiscal
2 years 2015 through 2019 with an aggregate out-
3 standing principal amount not exceeding
4 \$41,504,000 for each such fiscal year.”.

RESOLUTION NHA-4470-2015

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE NAVAJO HOUSING AUTHORITY**

**Supporting NAHASDA Reauthorization in General but
Opposing Section 302 of H.R. 360 that Targets the
Navajo Nation's Housing Funds Allocation for Reduction**

EXHIBIT

B

WHEREAS:

1. Pursuant to 6 N.N.C., Sections 605 and 616 (b) (14) the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance, operation of, or to support affordable housing for rental or homeownership based on the distinct housing needs of the Navajo Nation and such undertakings necessarily include the approval of the NHA Budget and related matters; and

2. Public Law 104-330, the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), as amended, was enacted to provide housing assistance that recognizes the right of Indian self-determination and self-governance through a block grant program known as Indian Housing Block Grant (IHBG); and

3. Since the adoption of NAHASDA, the U. S. Congress appropriates funding for the IHBG program that gets distributed to all eligible Indian tribes and Tribally Designated Housing Entities nationwide based on a formula; and

4. On January 14, 2015, H.R. 360, a bill that reauthorizes NAHASDA was introduced in the U.S. House of Representatives that included section 302 which purports to place a limitation on the amount of annual housing appropriations for certain NAHASDA recipients (see Exhibit A); and

5. Section 302 of H.R. 360 proposes to include the following language into NAHASDA as a new section 303, Effects of Undisbursed Grant Amounts on Annual Allocations:

“(a) NOTIFICATION OF OBLIGATED, UNDISBURSED GRANT AMOUNTS. Subject to subsection (d) of this section, if as of January 1 of 2015 or any year thereafter a recipients’ total amount of undisbursed block grants in the Departments’ line of credit control system is greater than three times the formula allocation such recipient would

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otherwise receive under the Act for the fiscal year during which such January 1 occurs, the Secretary shall—

(1) Before January 31, of such year, notify the Indian tribe allocated the grant amounts and any tribally designated housing entity for the tribe of the undisbursed funds; and . . . “

6. According to section 302 of H.R. 360, not later than 30 days after HUD provides notice by January 31, the recipient must notify HUD of the reasons why the funds have not been disbursed and demonstrate to the satisfaction of HUD that the recipient has the capacity to spend federal funds in an efficient manner; and

7. Section 302 goes on to state that the allocation for a recipient shall be the amount initially calculated according to the formula minus the difference between the recipient's total amount of undisbursed funds in the recipient's LOCCS account on such January 1 and three times the initial formula amount for such fiscal year; and

8. Any amount not allocated to a recipient because of an excess undisbursed balance will be allocated under the “need” component of the formula proportionately to all other tribes; and

9. The provisions imposed by section 302 will not apply to any tribe that has a grant allocation of less than \$5 million. Furthermore, section 302 states that no regulations are needed for the new language to take effect and no hearings rights are conferred; and

10. While reauthorization of NAHASDA in general is greatly needed, section 302 of H.R. 360 is of great concern to the Navajo Nation and its Tribally-designated Housing Entity, namely the NHA. If the proposed language in section 302 were to become law, the consequences to the Navajo Nation's housing needs would be catastrophic and devastating; and

11. The NHA's 2011 scientifically-based comprehensive Navajo Nation housing needs assessment shows a need for 34,100 more new housing units and the rehabilitation of 34,300 existing homes on the Navajo reservation for a total estimated need of \$9 billion; and

12. In addition, there is a 700,000 acre site called the former Bennett Freeze Area of the western Navajo reservation that had a construction freeze imposed by the U.S. government for over 40 years which also needs at least \$4 billion of additional housing and infrastructure needs; and

13. Because of the NHA's size, the size of the construction projects (10 to 60 houses per project), the number of projects (562), the large land mass spread over three states (AZ, NM and UT), lack of infrastructure at most if not all project locations, all of the logistics involved in completing a project, and the multiple environmental clearances required for each involved tribal and federal agency (NN, HUD, BIA, EPA, IHS, HHS, DOL, DOT, etc.) and their varying agency requirements and reporting, an average NHA project takes more time and resources than those projects by other Indian and Public housing authorities; and

14. On average, an NHA construction project takes anywhere from 7 to 10 years according to the U.S. Government Accounting Office (GAO) March 27, 2014 report entitled "Native American Housing: Additional Actions Needed to Better Support Tribal Efforts".

15. Additionally, the Deputy Assistant Secretary for the HUD Office of Native American Programs, Rodger Boyd, recently testified to the Senate Committee on Indian Affairs in February 2014 that a typical project ranges from **three to five years in Indian Country**; and

16. Furthermore, on March 10, 2014, HUD released its Agency Budget Justification for fiscal year 2014 to Congress stating: "As of February 3, 2014, 91.878 percent of IHBG funds allocated from fiscal year 1998 through fiscal year 2013 were disbursed. This is an excellent spend out rate, considering many construction/development projects **take 3 to 5 years, or even longer, to complete.**" Page L-13 (Emphasis added).

17. The March 27, 2014 U.S. Government Accountability Office (GAO) report confirmed what the NHA has been reporting to Congress all along that, among other causes, the multiple federal agencies with varying environmental clearance requirements that tribes have to contend with for each development project was a major cause of excessive and protracted development delays on Indian reservations; and

18. While the NHA has over the past two years rapidly decreased its undisbursed balances that built up over a decade while HUD did nothing during that time, the NHA needs more time to bring its balance down further. The NHA's LOCCS current expenditure rate is 78% which is very healthy given the vast amount of challenges that must be addressed. Furthermore, HUD has issued to NHA "zero-findings" reports for two consecutive years in 2012 and 2013 while also nominating NHA for best model management practices; and

19. While the NHA's current balance in the Line of Credit Control System (LOCCS) still exceeds three times its prior year's allocation, it has made demonstrative LOCCS drawdowns such that all pre-2011 grants have zero balances and NHA expects to drawdown all of the 2011 and most if not all of 2012 grant balances by fiscal year end 2015; thereby, having only three open grant balances (2012-2014); and

20. The proposed language is discriminatory as it singles out and deliberately targets the Navajo Nation and the NHA. The proposed language is unfair and inequitable as the proposed language completely ignores the many obstacles and federal regulatory requirements that excessively delay construction projects on the Navajo Nation as confirmed by the GAO's March 27, 2014 report. Consequently, the Navajo Nation's housing funds would be at risk of losing millions of dollars if the proposed language were adopted into law; and

21. If a large portion of the NHA's housing funds were redistributed, that would prolong and exacerbate the severe housing shortage on the Navajo reservation. The severe housing shortage on the Navajo Nation far exceeds the NHA's balances in the LOCCS system.

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22. Also, the reduction and reallocation of Navajo funds would cause loss of funding for many of the NHA's construction projects that are currently underway or still in the planning stages; and

23. On March 11, 2014, the House Committee on Financial Services (HCFS) issued a sharply critical review of HUD's programs stating: "The Committee is concerned that despite tens of billions of dollars in annual appropriations, HUD remains overly bureaucratic, lacks prioritization to define the agency's mission, and fails to deliver measurable results."; and

24. The HCFS did not spare the IHBG program from critical review. The Committee's Views & Estimates continued to express concern about bureaucratic and administrative problems that have impeded [IHBG] funds from reaching their intended beneficiaries. The HCFS stated: "[t]he [IHBG] program has an obligated unexpended balance of \$772.5 million, which represents a 21 percent decrease from the previous year's unobligated balance of \$979.7 million.

25. Tribes have consistently expressed that Congress should make no changes to the Indian Housing Block Grant funding allocation formula, recognizing that any change to the funding allocation formula should be negotiated openly and on a government-to-government basis through a negotiated rulemaking process.

26. In August 2014, the Negotiated Rulemaking Committee agreed to adopt similar limitation language to go into effect October 1, 2017. The Negotiated Rulemaking Committee consisted of tribal, HUD and Navajo representatives.

NOW THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby expresses its support for NAHASDA reauthorization in general but also expresses its opposition in the strongest terms to the section 302 of H.R. 360 of the NAHASDA Reauthorization bill introduced on January 14, 2015 and section 302 should be stricken in its entirety.

B. The Board of Commissioners of the Navajo Housing Authority hereby expresses its opposition in the strongest terms to any proposed language that would reduce IHBG fund allocations for tribes that as of January 1, 2015 or thereafter have IHBG balances that exceed three times their allocation because the NHA is currently implementing the third year of its 5 year expenditure plan that is successfully and rapidly reducing its LOCCS balance.

C. The Board of Commissioner of the Navajo Housing Authority states that Congress should make no changes to the IHBG funding allocation formula and that any changes to the funding allocation formula should be consistent with the terms agreed to by the Negotiated Rulemaking Committee in August 2014 in Scottsdale, Arizona.

D. The Board of Commissioners of the Navajo Housing Authority hereby authorizes and directs the Chief Executive Officer to carry out the intent and purpose of this resolution.

CERTIFICATION

Commissioner Evin Chavez, moved that the foregoing Resolution NHA-4470-2015 be adopted and this was seconded by Commissioner Ben Johnson.

Same was passed by the following vote:

AYES: 8

NAYES: 0

ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution NHA-4470-2015 was adopted this 24th day of January, 2015.



Wayne Claw, Chairperson
NHA BOARD OF COMMISSIONERS


ATTEST:

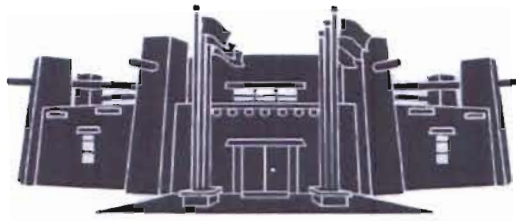


Christina Lewis, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF: 


LEGAL REVIEW: 


CHIEF EXECUTIVE OFFICER: 



MEMORANDUM

TO: Honorable Mel R. Begay
Navajo Nation Council

FROM: 
Marvin Beauvais, Attorney

THRU: 
Mariana Kahn, Senior Attorney
Office of Legislative Counsel

DATE: January 26, 2015

SUBJECT: AN ACTION RELATING TO AN EMERGENCY; OPPOSING THE
114TH U.S. HOUSE OF REPRESENTATIVE'S BILL H.R.360
SECTION 302 WHICH AMENDS THE NATIVE AMERICAN
HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF
1996 (NAHASDA) TO ALLOW U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT (HUD) TO TARGET NAVAJO
NATION HOUSING ALLOCATED FUNDS FOR RECAPTURE

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Sponsor", and submit it to the office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

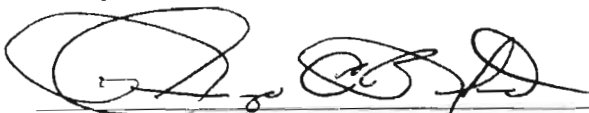
Commission:



January 27, 2015

MEMORANDUM

TO : Honorable Members
Navajo Nation Council

FROM : 
Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Navajo Nation Council;

Legislation No. 0027-15

RELATING TO AN EMERGENCY; OPPOSING THE 114TH U.S. HOUSE OF REPRESENTATIVE'S BILL H.R. 360 SECTION 302 WHICH AMENDS THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996 (NAHASDA) TO ALLOW U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO TARGET NAVAJO NATION HOUSING ALLOCATED FUNDS FOR RECAPTURE.

As the Committee assigned to consider the legislation, Legislation No. 0027-15 must be placed on the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0027-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Mark Grant, *Controller*
Dominic Beyer, *Executive Director, OMB*
Honorable Mel R. Begay, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0027-15_____

SPONSOR: Mel R. Begay

TITLE: An Action Relating To An Emergency; Opposing the 114th U.S. House of Representatives' Bill H.R. 360 Section 302 Which Amends the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) To Allow U.S. Department of Housing and Urban Development (HUD) to Target Navajo Nation Housing Allocated Funds for Recapture

Date posted: January 28, 2015 at 4:04pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*